

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	Case No. 1:15CR00003-12
	)	
v.	)	<b>OPINION AND ORDER</b>
	)	
<b>GINA RENEE LOPEZ-ORFIELD,</b>	)	By: James P. Jones
	)	United States District Judge
Defendant.	)	

*Gina Renee Lopez-Orfield, Pro Se Defendant.*

The defendant, Gina Renee Lopez-Orfield, has filed a Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2), seeking reconsideration of her sentence pursuant to Amendment 794 to the United States Sentencing Guidelines (“USSG”). For the reasons that follow, the motion will be denied.

On January 12, 2015, Lopez-Orfield was charged with conspiracy to manufacture, distribute, and possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine. Lopez-Orfield pleaded guilty pursuant to a written Plea Agreement. A Presentence Investigation Report (“PSR”) was prepared prior to sentencing. It recommended an advisory guideline range of 78 to 97 months. Lopez-Orfield did not file any objections to the PSR. I sentenced Lopez-Orfield to a within-guideline sentence of 78 months incarceration. Lopez-Orfield did not appeal.

Thereafter, on September 6, 2016, Lopez-Orfield filed a pro se motion to vacate her sentence under 28 U.S.C. § 2255 arguing, among other things, that I erred by sentencing her without granting her a minor role reduction pursuant to Amendment 794 to USSG § 3B1.2. I denied the § 2255 motion, pointing out that “Lopez-Orfield has not pointed to any evidence that would warrant a minor role reduction. At her guilty plea hearing, she admitted that she was involved in selling methamphetamine, returned payment to her sources, and communicated with members of the conspiracy via cell phone and text messages.” *United States v. Lopez-Orfield*, 1:15CR00003-12, 2017 WL 5565209, at \*2 (W.D. Va. Nov. 20, 2017). Lopez-Orfield appealed my decision, and the court of appeals denied a certificate of appealability and dismissed the appeal. No. 17-7591 (4th Cir. Feb. 20, 2018).

In any event, Lopez-Orfield was sentenced on February 9, 2016, pursuant to the 2015 guidelines, which included Amendment 794, effective November 1, 2015. Accordingly, 18 U.S.C. § 3582(c)(2) does not permit her present motion.

For these reasons, it is **ORDERED** that the defendant’s motion, ECF No. 982, is DENIED.

ENTER: March 19, 2018

/s/ James P. Jones  
United States District Judge